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APPENDIX A TO PART 194—GUIDELINES FOR THE PREPARATION OF RESPONSE PLANS

APPENDIX B TO PART 194—HIGH VOLUME AREAS

AUTHORITY: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5) and (j)(6); sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.53.

SOURCE: 58 FR 253, Jan. 5, 1993, unless otherwise noted.

Subpart A—General

§ 194.1 Purpose.

This part contains requirements for oil spill response plans to reduce the environmental impact of oil discharged from onshore oil pipelines.

§ 194.3 Applicability.

This part applies to an operator of an onshore oil pipeline that, because of its location, could reasonably be expected to cause substantial harm, or significant and substantial harm to the environment by discharging oil into or on any navigable waters of the United States or adjoining shorelines.

§ 194.5 Definitions.

Adverse weather means the weather conditions considered by the operator in identifying the response systems and equipment to be deployed in accordance with a response plan, including wave height, ice, temperature, visibility, and currents within the inland or Coastal Response Zone (defined in the National Contingency Plan (40 CFR part 300)) in which those systems or equipment are intended to function.

Barrel means 42 United States gallons (159 liters) at 60° Fahrenheit (15.6° Celsius).

Breakout tank means a tank used to:

- (1) Relieve surges in an oil pipeline system or

- (2) Receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Coastal zone means all United States waters subject to the tide, United States waters of the Great Lakes and Lake Champlain, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the National Contingency Plan, and the land surface or land substrate, ground waters, and ambient air proximal to those waters. (The term "coastal zone" delineates an area of federal responsibility for response action. Precise boundaries are determined by agreements between the Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG), and are identified in Federal Regional Contingency Plans and Area Contingency Plans.)

Contract or other approved means is:

- (1) A written contract or other legally binding agreement between the operator and a response contractor or other spill response organization identifying and ensuring the availability of the specified personnel and equipment within stipulated response times for a specified geographic area;

- (2) Certification that specified equipment is owned or operated by the pipeline operator, and operator personnel and equipment are available within stipulated response times for a specified geographic area; or

- (3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment to be available within stipulated response times for a specified geographic area.

Environmentally sensitive area means an area of environmental importance which is in or adjacent to navigable waters.

High volume area means an area which an oil pipeline having a nominal outside diameter of 20 inches (508 millimeters) or more crosses a major river or other navigable waters, which, because of the velocity of the river flow and vessel traffic on the river, would require a more rapid response in case of a worst case discharge or substantial